

HUMAN RIGHTS COMMITTEE

O. J. v. Finland

Communication No. 419/1990

6 November 1990

CCPR/C/40/D/419/1990 *

ADMISSIBILITY

Submitted by: O. J. [name deleted]

Alleged victim: The author

State party concerned: Finland

Date of communication: 9 April 1990

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 6 November 1990,

Adopts the following:

Decision on admissibility

1. The author of the communication (initial letter dated 9 April 1990 and subsequent correspondence) is O. J., a Finnish citizen residing in Turku, Finland. In her first submission, she claims that her rights under articles 2, 7, 9, 14, 16 and 17 of the International Covenant on Civil and Political Rights have been violated by Finland. In her second submission, she invokes articles 2, 5, 14, paragraph 1, and 26.

2.1 The author claims that some real estate belonging to her was expropriated for purposes of construction of a road. The decision was allegedly taken on the basis of inaccurate and incomplete records and maps. She claims that the decision was unduly influenced by a wealthy, interested third party, who is, however, unidentified in the communication. Two of the four legal landmarks demarcating her property are missing. As it is a criminal offence in Finland to remove legal landmarks, she has requested a criminal investigation in this respect but claims that no action has

been taken by the authorities.

2.2 The author claims that domestic remedies have been exhausted with the Supreme Court's decision (No. M89/196) of 13 October 1989. She subsequently submitted a petition to the Ombudsman of Finland on 7 December 1989, but has received no reply.

3.1 Before considering any claims contained in a communication, the Human Rights Committee must, in accordance with rule 87 of its rules of procedure, ascertain whether or not it is admissible under the Optional Protocol to the Covenant.

3.2 The Committee notes that the author's claims related primarily to an alleged violation of her right to property, which she indicates is guaranteed by the Constitution of Finland. The right to property, however, is not protected by the International Covenant on Civil and Political Rights. Thus, since the Committee is only competent to consider allegations of violations of any of the rights protected under the Covenant, the author's allegations with regard to expropriation are inadmissible ratione materiae, under article 3 of the Optional Protocol, as incompatible with the provisions of the Covenant. In respect of the author's allegations relating to other provisions of the Covenant, in particular, her claims concerning discriminatory treatment and the alleged arbitrary nature of decisions - administrative and judicial - adopted against her, the Committee finds that these allegations have not been sufficiently substantiated, for purposes of admissibility, under article 2 of the Optional Protocol.

4. The Human Rights Committee therefore decides:

(a) that the communication is inadmissible;

(b) that this decision shall be transmitted to the author and, for information, to the State party.

[Done in English, French, Spanish and Russian, English being the original version.]

* Made public by a decision of the Human Rights Committee.